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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,506	09/18/2001	John W. Orcutt	TI-31437	1343
23494	7590	04/06/2005	EXAMINER PHAN, JAMES	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/955,506	Applicant(s) ORCUTT ET AL.	
	Examiner James Phan	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 9 is/are allowed.
- 6) ☐ Claim(s) 1,4-6,8,10-12,15,17-19, 21 is/are rejected.
- 7) ☒ Claim(s) 7,13,16 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Form PTO-326 of the office action mailed 10/06/04 contains an error. Claim 14 was inadvertently included in item 7. As clearly shown in item 4a of the Form and page 2 of the office action, claim 14 is withdrawn from consideration. A correction will be made in this office action.

Claims 14 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Note that Claim 22 is no longer rejoined by the examiner because the allowability of generic claim 5 is withdrawn (see the rejection below)

The indicated allowability of claims 2 (cancelled), 5-6 are withdrawn. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102/103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 8, 10-12, 15, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over diFazio.

In re claim 1 diFazio et al discloses a packaged mirror assembly having a mirror element including frame (12), mirror surface (14), and a plurality of hinges (16a-b); a

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plurality of drive elements (112); and a molded plastic body (100). The mirror element is inherently formed of a single piece of crystalline material because diFazio et al, in column 4, lines 30-32, teaches the use a central wafer of silicon material for the mirror element (also, see column 12, lines 46-47 and 65-67) See Figs. 9-11 and 13. If not inherent then it would have been obvious to one skilled in the art to use a single piece of central wafer of silicon for forming the mirror element using etching technique to simultaneously form the hinges, the mirror frame and the mirror body so as to eliminate the step of mounting the hinges to the mirror frame.

In re claims 15, 19 and 21 the method steps are inherently disclosed because the packaged mirror assembly in diFazio et al has sufficient structure to carry out the method steps.

In re claims 4-5 and 17 see window (22) in Fig. 10; also see column 14, lines 39-41.

In re claims 8 and 18 see stops (116) in Fig. 11.

In re claims 10-12 see column 14, lines 17-26 Fig. 10.

Allowable Subject Matter

Claims 7, 13, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 9 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter: The applied prior art does not teach or suggest (1) a packaged mirror assembly having the structure specified in each of claims 3, 7, 9, and 13 ; and (2) a method of packaging a mirror assembly having the attaching step in combination with the remaining features of claim 16, and the casting step in combination with the remaining features of claim 20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
April 4, 2005


James Phan
Primary Examiner